

CONSERVATION COMMISSION

The Hamilton Conservation Commission's primary task is the administration and enforcement of the state Wetlands Protection Act (Ch. 131 §40) and the Town's Conservation By-Law, Chapter 17. The Commission also seeks to fulfill its mandate by funding environmental education programs in the regional school system and by organizing and publicizing various conferences and events that seek to protect open space and inform residents of the value of preservation of woodlands and scenic areas as well as trail access and management.

Conservation Commission jurisdiction and procedure:

The Commission's jurisdiction includes all proposed changes in land use which will occur within defined wetlands or within 100 feet of the defined edge of wetlands, or within 200 feet of the perennial streams and rivers within the borders of the Town. The Commission considers applications (known as "Requests for Determination" and also "Notices of Intent") for work in these areas and holds site walks to evaluate the conditions at the work area. The Commission then conducts public hearings or public meetings to decide if a permit (either a "Negative Determination" or an "Order of Conditions") shall issue. Once a project is completed, the Commission holds another site walk to establish that the project was finished in the same manner as it was originally proposed and that no damage to resource areas has occurred. A Certificate of Compliance is then issued and the process is complete. The Commission also investigates violations of the Wetlands Act and local Conservation By-Law and the Commission issues Enforcement Orders or Violation Notices if appropriate.

Asides from conducting public hearings and open public meetings to review and analyze all the various applications for permits, the Commission, through their Coordinator, may on any given day do any or all of the following:

- Respond to residents' questions and concerns about wetlands permitting,
- Conduct preliminary site evaluations to determine applicability of jurisdiction,
- Perform various compliance inspections,
- Reply to building contractor and wetlands consultant questions and concerns,
- Interact with various state agencies most notably the Commonwealth's Department of Environmental Protection and;
- Work with the other Town departments to address issues of common concern.

2009 Special Projects and Issues:

Aside from their usual wetlands permitting work:

- Formally appointed seven Hamilton residents as members to the Open Space Committee
- Oversaw the Myopia Hunt Club's emergency repair and remediation of a major flooding problem next to Bay Rd.
- Approved the successful application of herbicide to Weaver Pond in Patton Park resulting in a substantial improvement to that municipal open water body.
- Continuously updated Commission agendas, regulations, by laws, and informational materials on Commission page on Town website.
- Adopted a new policy regarding the filing of supplemental materials after the commencement of a public hearing or formal Commission discussion of any matter before them.
- Richard Luongo of Berry Circle, a longtime Hamilton resident and retired public school teacher joined the Commission after being formally appointed by the Board of Selectmen in fall 2009

Education Program

The Commission funded an Environmental Education program for the students in almost many grade levels in the Hamilton-Wenham Regional School District. The program is designed and run by the Massachusetts Audubon Society and it is subject to in-depth review and amendment by the Commission annually. The Commission continues to enthusiastically support and promote this program.

Fees Collected

The Commission collects two types of application filing fees seeking permits for work within their jurisdiction. The first type of fee is charged pursuant to the regulations issued under the Town's Conservation By Law. These fees are deposited in the Town's General Fund. The second fee is instituted by the Wetlands Protection Act for projects which require the filing of a Notice of Intent with the Commission. The fees collected for these applications are deposited into a revolving account known as the Wetlands Fee or Wetlands Fund account. These accounts are created by the express terms of the Wetlands Protection Act and cannot be used for any municipal purpose other than to defray some of the costs incurred by the Commission associated with the administration of the Act.

In calendar year 2009 the Commission collected \$3,275.00 in fees under the By Law and this sum was deposited in the General Fund. In addition, the Commission collected \$3,780.50 in fees under the Wetlands Protection Act and that amount was deposited into the Wetlands Account.

2009 Filings and Other Regulatory Decisions

17 Requests for Determination
11 Orders of Conditions and Orders of Resource Area Delineation
1 Amendment of Orders of Conditions
4 Enforcement Orders and Violation Notices
3 Extensions
6 Certificates of Compliance

Members and Staff (Term Expiration)

Sarah Getchell, Co-Chair (2011)

Nancy Baker, Co-Chair (2011)

Virginia Cookson (2010)

Robert Cronin (2010)

Peter Dana (2012)

Richard Luongo (2012)

Camilla Rich (2011)

John Rhoads (associate member)

John Hendrickson (associate member)

Mark Carleo (associate member)

James Hankin, Coordinator